

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

PENNY L. BYERS,)
)
Plaintiff) Case No. 4:04cv00019
v.)
)
)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant)

This action is before this Court on the Motion for Approval of Attorney's Fee under the **Equal Access to Justice Act 28 U.S.C. § 2412(d)**. (Order of July 12, 2005, had an incorrect cite.) Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The Report and Recommendation filed by the U. S. Magistrate Judge on June 22, 2005, is hereby **ADOPTED**.
2. Counsel for plaintiff is hereby awarded attorneys' fees in the amount of \$5,150.00. The Commissioner is directed to withhold this amount from the plaintiff's award and to transmit the funds to plaintiff's attorneys.

The Clerk is directed to send a certified copy of this order to all counsel of record and to Magistrate Judge B. Waugh Crigler.

ENTERED this 14th day of July, 2005.

s/Jackson L. Kiser
Senior United States District Judge